

REMARKS

The Examiner has required a restriction "under 35 U.S.C. 121". Specifically, the Examiner has deemed the application as containing two invention; namely, Group I directed to Claims 1-35 and Group II directed to Claims 36-38.

In response thereto and to confirm a telephone conference between Todd Parkhurst the Examiner, Applicants elect Group I, with traverse, directed to displaying a reduced video image or snapshot in individual image area associated with a selected channel in an EPG. The restrictions are made with traverse since it is respectfully believed that a search involving the inventions would cover all of the inventions and therefore there is no additional burden on the Office.

If the Examiner does not withdraw this requirement to elect and act on all the claims of this application, he is requested to make final the requirement to elect.

With regard to the specification, the Examiner points out that the specification does not describe the "snapshot is filtered by storing" language cited in claims 11 and 25. Claims 11 and 25 have been cancelled. Accordingly, the objection to the specification is deemed moot in light of this amendment.

Claims 10, 12-13 and 24, 26-29 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 10, 12-13 and 24-29 have been amended to particularly point out and distinctly claim the subject matter of this invention by removing the terms "best

manner" used in the claims. Thus, the amendment contained herein is deemed to overcome the 35 U.S.C. § 112 rejection.

Claims 31-35 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter with regard to a machine-readable medium functional descriptive material. Claims 32-35 have been cancelled and will not be addressed further.

The Examiner states specifically that "Claims 31-35 defines a machine-readable medium embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason." In response thereto, Claim 31 has been amended in accordance with the Examiner's suggestion. It is respectfully urged that the amendment herein is deemed to overcome the 35 U.S.C. § 101 rejection.

Claims 1-6, 14, 15, 17-20 and 31-35 presently stand rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. Claims 2-6, 14, 15, 18-20, and 32-35 have been cancelled and will thus not be addressed any further.

With regard to independent Claims 1, 17, and 31, the Examiner states that Lee discloses a method for an electronic programming guide (EPG) comprising a plurality of individual image areas (PIP areas) in an EPG display. Claim 1 has been amended to incorporate additional requirements, which are not disclosed by Lee. These requirements are: (1) detecting a scene change in a video stream; (2) capturing a snapshot from the video stream; (3) determining that the snapshot is the most presentable

snapshot captured from the video stream and (4) converting the most presentable snapshot captured into a reduced video image of real-time programming. Claim 17 has been amended to incorporate the requirement that: an image improver, coupled to the shutter function, to select for display the snapshot determined to be a most presentable snapshot captured from the video stream. Claim 31 has been amended to require the computer to (1) detect a scene change in a video stream; (2) capture a snapshot from the video stream; (3) determine that the snapshot is the most presentable snapshot captured from the video stream and (4) convert the most presentable snapshot captured into a reduced video image of real-time programming Respectfully, Lee does not disclose these features, and thus does not disclose the present invention.

Applicant respectfully disagrees with the Examiner's interpretation of Lee and its application to this invention. More specifically, Lee is simply directed to displaying a picture within a picture (PIP). Lee does not disclose detecting scene changes within the video stream. In fact, the only processing Lee does on the video stream is to extract and compare titles of programs stored in memory. See Col. 6, lines 46-59. Thus, contrary to the disclosure of Lee, Claims 1, 17, and 31 of the present invention determine appropriate video snapshots based upon scene changes within the video to be displayed. This improvement is not disclosed by Lee. Further, Claims 1, 17, and 31 require an analysis of the snapshot to determine that it is the most presentable snapshot captured from the video stream. This limitation is similarly not disclosed by Lee. Further, Lee

does not disclose analyzing the snapshot to determine its presentation properties, as is required by the present invention. The Section 102 rejection is therefore traversed and reconsideration is respectfully requested.

Claims 7-10, 12, 13, 21-24 and 26-29, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Yeo et al. Claim 24 is cancelled and will not be discussed further. It is respectfully urged that Yeo does not disclose a required feature of this invention, namely a determination that the snapshot is the most presentable snapshot captured from the video stream. Furthermore, it is respectfully urged that the present invention is not obvious to a person skilled in the art since there is no teaching, suggestion or motivation in Yeo to modify Lee to include this inventive feature. The Examiner properly recognizes that "Lee does not explicitly teach that the snapshot is determined to be the most presentable snapshot when the snapshot has a best contrast, a median brightness, or a most color saturation, or filtering the snapshot by enhancing a contrast or a color saturation of the snapshot." The Examiner then argues that Yeo teaches a system which allows "display parameters 355 to be adjusted in order provide the best images as a subset of the captured frames displayed in a program channel guide." The Examiner cites Col. 9, lines 9, lines 19-21 and Figs. 6 and 9 for this argument.

Respectfully, the teaching of Yeo suffers the same deficiencies as the prior art, and is remedied by the present invention. The display parameters discussed in Yeo do not

concern the quality of the image to be displayed, as in the case in the current invention. Rather, the display properties in Yeo relate to the content of the scenes within the video scene. The present invention improves upon this by determining which individual images within a selected scene are the highest quality images for the best display upon a display device. Figures 6 and 9, cited by the Examiner, demonstrate precisely the improvement of the present invention, as images of such low quality would be filtered out by the present invention. This feature is neither taught nor suggested by Lee and Yeo. Accordingly, Applicant urges that a prima facie showing of obviousness has not been set forth. The Section 103 rejection is therefore traversed and reconsideration is respectfully requested.

Claims 11 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Yeo and further in view of Ito. Claims 11 and 25 have been cancelled and thus are not addressed any further.

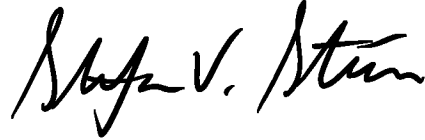
Claims 16 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Gould. Claims 16 and 30 have been cancelled and thus are not addressed any further.

All grounds of objection and rejection are believed to be overcome. However, should any additional points remain, the Examiner may call the undersigned collect to discuss any of the issues addressed in this Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the

prosecution of this application without specific authorization,
or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stefan V. Stein". The signature is fluid and cursive, with the first name "Stefan" and last name "Stein" clearly distinguishable.

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